

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

Derrick Jones, Jerome Jones, and  
Darnell Rusan,

PLAINTIFFS,

v.

City of St. Louis, et al.,

DEFENDANTS.

Cause No. 4:21-cv-600-NCC

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**Defendants City of St. Louis, Fowlkes, Turner, Borders, Wills', Jones, and  
Alexander's Motion to Dismiss**

Come now Defendants City of St. Louis, Javan Fowlkes, Aisha Turner, Dirrell Alexander, Freddie Wills, Douglas Jones, and Bruce Borders and in support of their Motion to Dismiss Plaintiffs' Third Amended Complaint state the following:

1. Plaintiffs fail to state of claim for relief under Counts I, II, and III of their Third Amended Petition in that Plaintiffs allege merely *de minimus* injuries. *Robinson v. Hawkins*, 937 F.3d 1128, 1136 (8th Cir. 2019); *Chambers v. Pennycook*, 641 F.3d 898 (8<sup>th</sup> Cir. 2011).

2. The individual Defendants are protected by the doctrine of qualified immunity in that their actions were objectively reasonable under the totality of the circumstances. *Harlow v. Fitzgerald*, 420 U.S. 308 (1975).

3. Plaintiffs failed to state a claim for the widespread existence of a custom or policy condoning the use of excessive force or deprivation of water and inhumane housing conditions. *Webster v. Houston*, 735 F.2d 838, 842 (5th Cir. 1984).

4. Plaintiffs fail to state a claim for injunctive relief. 18 USCS Sec. 3626(a)(1)(A).

5. Plaintiffs fail to state a claim supporting class certification pursuant to Rule 23 Fed. R. Civ. Pro. as there are not questions of law and fact common to all potential class members nor can Plaintiffs fairly and adequately protect the interests of the class. Rule 23(a)(1) and (4) Fed. R. Civ. Pro.

6. Plaintiffs fail to state a claim that Defendants violated the Americans with Disabilities Act in that they failed to plead Plaintiffs were denied the receipt of services or participation in programs or activities. 42 USCS § 12131(a).

WHEREFORE, Defendants pray this court grant their Motion to Dismiss in its entirety, for their costs, and for any other and further relief this court deems appropriate in the circumstance.

Respectfully submitted,

SHEENA HAMILTON,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on **June 30, 2022** the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Lawrence Pratt